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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,304	12/31/2003	Edward O. Clapper	42P18215	1728
59796 7590 03/14/2007 INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER DINH, DUC Q	
			ART UNIT	PAPER NUMBER
			2629	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/14/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/749,304	CLAPPER, EDWARD O.	
	Examiner	Art Unit	
	DUC Q. DINH	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 recites the limitation "the at least one mode selection button" in line 1, there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 6-9, 11, 15, 20-2-25 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen et al. (U.S Patent No. 6,137,479), hereinafter Olsen.

In reference to claims 1, 28, Olsen discloses in Figs. 2 an apparatus comprising: mouse features that include surface based navigation such that a movement of the apparatus relative to another object is translated into electronic signals; and remote control unit features (col. 4, lines 64-67).

In reference to claims 3 and 17, Olsen discloses wherein the surface based navigation of the mouse features includes an optical mouse transception device on the bottom of the apparatus (col. 3, lines 65-66).

In reference to claims 6-7, 19 and 30, Olsen disclose the device comprising a wireless connection port to wirelessly connect the apparatus to at least one of a computer and a consumer electronics device and wireless connection port to wirelessly connect the apparatus to a computer and to a consumer electronics device. (col. 7, lines 19-26)

In reference to claims 8, 20, Olsen discloses the apparatus is a handheld peripheral computer/consumer electronics convergence device (col. 2, lines 50-54).

In reference to claims 9, 21 and 30, Olsen discloses the apparatus is a universal remote configurable by a computer (col. 4, lines 64-67).

In reference to claims 11, 23 and 31 Olsen discloses the apparatus is to control a computer and a consumer electronics device (see col. 4, lines 64-67).

In reference to claim 15, refer to the rejection as applied to claims 1. In addition, Olsen discloses a display screen and a media processed from a source and displayed on the screen as claimed (col. 3, lines 44-54).

In reference to claim 24, Olsen discloses the screen is included within one of a computer as claimed (col. 3, lines 44-54)

In reference to claim 25, Olsen discloses the electronic device is a TV (col. 4, lines 65-67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 18, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Lee (US 20030016417 A1).

In reference to claims 4-5 and 18, 29 Olsen discloses the apparatus including a number of buttons (28, 36) but does not teach one mode selection button and the least one mode selection button is to be used to select at least one device to be controlled by the apparatus.

Lee discloses a remote control device having the mode selection button (15) in Fig. 4 as a mode select button is used to select at least one device to be controlled by the apparatus as claimed.

It would have been obvious for one of ordinary skill in the art at the time of the invention to utilized the mode selection (15) of Lee in the device of Olsen to provide the user's selection switch to control the selected device for avoiding interference between devices.

7. Claims 2, 10, 12-14, 16, 19, 22, 26, 27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Adams et al. (U.S Patent No. 7,042,411), hereinafter Adams.

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In reference to claims 2, 10, 12 and 16, Olsen discloses at least one mouse click button 28 but does not disclose the mouse features additionally include a scroll wheel, Adams discloses a scrolling wheel (22) for an input device (mouse; col. 3, lines 30-55)

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the scrolling wheel (22) in the device of Olsen as taught by Lin providing an input device facilitating scrolling in multiple directions (col. 2, lines 37-38)

In reference to claims 10, 13, 14, 22, 27, 32 Adams discloses the scrolling wheel (22) is used for scroll bar navigation (col. 1, lines 25-33) and volume adjustment and zoom (col. 3, lines 45-50).

8. Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Graves (US 20040041787).

In reference to claim 34, Olsen does not disclose using the surface based navigation as a scrubbing tool rapidly though processed media. Graves teaches the two most common ways to represent movement of the mouse as movement of the proceed media include: 1) tracking the movement of a sphere 248 operatively connected to the bottom (not shown) of the mouse 200 such that the sphere 248 is in contact with the surface over which the mouse 200 is moved using a optical device, which records pictures of the surface over which the mouse 200 is moved at very frequent intervals and calculating vector displacement (i.e., changes in distance and speed) based on the differences between the pictures. Movement of the sphere 248 is tracked by two rotatable shafts (not shown) that are normally disposed and contact the sphere 248 [paragraph 0003].

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It would have been obvious for one of ordinary skill in the art at the time of the invention to realized the process of using mouse movement to control the speed of the cursor in the display screen is well known and widely used in the art of input device such as mouse. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to learn the teaching of Graves in the device of Olsen i.e. using the mouse movement as a tool to speed up the control of the display images (proceed media) as claimed.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-34 are also rejected under 35 U.S.C. 102(e) as being anticipated by Gates et al. (US 20050078087 A1).

In reference to claim 1 Gates discloses an apparatus comprising: mouse features that include surface based navigation such that a movement of the apparatus relative to another object is translated into electronic signals; and remote control unit features (see abstract, Fig. 3).

In reference to claim 2 Gates discloses the device include a scroll wheel (307) and at least one mouse click button (306) (Fig. 3) .

In reference to claim 3, Gates discloses the surface based navigation of the mouse features includes an optical mouse transception device on the bottom of the apparatus (Fig. 4).

In reference to claims 4-5, Gates discloses the remote control unit features are features including number buttons and at least one mode selection button, wherein the at least one mode selection button is to be used to select at least one device to be controlled by the apparatus [0014]

In reference to claims 6-7, Gates discloses the IR and RF system in Fig. 4.

In reference to claim 8 Gates discloses the device is a handheld peripheral computer/consumer electronics convergence device (see Fig. 4).

In reference to claim 9, Gates, wherein the apparatus is a universal remote configurable by a computer (see Fig. 4 and [0018]).

In reference to claim 10, Gates discloses the apparatus according to claim 1, wherein the mouse features further include a scroll wheel, and wherein the scroll wheel may be used to perform at least one of the following functions on at least one of a computer, a consumer electronics device, and a convergence computer/consumer electronics device: adjust volume, navigate channels, navigate a scroll bar, perform a zoom function, fast forward, and rewind [0024].

In reference to claim 11, Gates discloses the apparatus is to control a computer and a consumer electronics device (see abstract).

In reference to claim 12, Gates discloses wherein the mouse features further include a scroll wheel (307).

In reference to claim 13, Gates discloses wherein the scroll wheel is able to perform at least one of the following control functions on another device: volume adjustment, channel navigation, scroll bar navigation, zoom, fast forward, and rewind [0024].

In reference to claim 14, Gates discloses wherein the scroll wheel is able to perform at least one of the following control functions on a consumer electronics device: volume adjustment, channel navigation, scroll bar navigation, zoom, fast forward, and rewind [0024].

In reference to claims 15-27, refer to the rejection as applied to claims 1-14. In addition, Gates discloses the screen and a media processed from a source and displayed on the display screen as shown in Fig. 2 as claimed.

Claims 28-34 are method claimed associated with the apparatus claims 1-27 and therefore are rejected as the same reason as set forth above.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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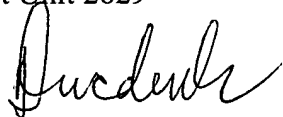
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DUC Q DINH

Examiner

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A handwritten signature in black ink, appearing to read "Duc Q Dinh", written in a cursive style.

DQD

March 12, 2007